

Reconsideration of this application as amended, is respectfully requested.

III. Rejections under 35 U.S.C. § 112

Claims 32 and 34 stand rejected under 35 U.S.C. § 112, second paragraph. Regarding claim 32, the Examiner states that there is insufficient antecedent basis for the term "first." Applicants have amended claim 32, removing the term "first" and replaced it with "at least one." Regarding claim 34 the Examiner states that the phrase "to said fluid pathway" should be inserted after the word "parallel." Applicants have amended claim 34 as suggested by the Examiner. The amendments to claims 32 and 34 render the claims definite and Applicants request the above rejection be withdrawn.

IV. Rejections under 35 U.S.C. § 102(b)

Claims 1-2, 9-11, 20 and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,028,763 to Chung-Tai (hereinafter "Chung-Tai").

The Examiner states that Chung-Tai discloses a first heat sink (10) having at least one opening (11, 12) wherein a fluid pathway is formed through the first heat sink, and at least one PTC element is thermally coupled to the first heat sink and has a current direction. The Examiner states that Chung-Tai's PTC element is substantially aligned such that the current direction is substantially parallel to the fluid pathway.

Claims 1, 4-6, 21, 22-24 and 26-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,308,845 to Sarto.

{ W:\00467\0001817us0\00200490.DOC 11/11/09 11:11 AM 11/11/09 11:11 AM 11/11/09 11:11 AM }

In response, Applicants have amended claims 7 and 30 to be in independent form and have amended the remaining claims to depend, either directly or indirectly, from claim 7 or 30. Applicants respectfully request withdrawal of the above rejection.

Claims 2-6, 8-24 and 26, as amended, define over the prior art based on their own recital and their dependency from amended claim 7. Claim 28, as amended, defines over the prior art based on its own recital and dependency from claim 30. Claims 1 and 27 have been cancelled. Applicants respectfully request the withdrawal of these rejections in light of the amendments herein.

V. Rejections under 35 U.S.C. § 103(a)

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung-Tai in view of U.S. Patent No. 4,855,570 to Wang (hereinafter "Wang"). The Examiner states that Chung-Tai discloses a similar heating element, however it does not disclose a heat sink including thermally conductive material comprising at least

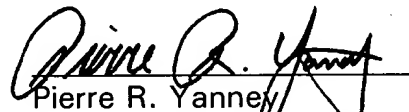
CONCLUSION

In view of the above amendments and remarks, it is believed that claims 2-24, 26, 28-30 and 32-37 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: July 29, 2004

Respectfully submitted,



Pierre R. Yanney

Registration No.: 35,418

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys For Applicants